

§ 2462.4

§ 2462.4 Segregative effect of publication.

(a) Publication in the FEDERAL REGISTER of a notice of proposed classification pursuant to § 2462.1 or of a notice of classification pursuant to § 2462.2 will segregate the affected land from all forms of disposal under the public land laws, including the mining laws except the form or forms of disposal for which it is proposed to classify the lands. However, publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

(b) The segregative effect of a proposed classification will terminate in one of the following ways:

(1) Classification of the lands within 2 years of publication of the notice of proposed classification in the FEDERAL REGISTER;

(2) Publication in the FEDERAL REGISTER of a notice of termination of the proposed classification;

(3) An Act of Congress;

(4) Expiration of a 2-year period from the date of publication of the notice of proposed classification without continuance as prescribed by the Classification and Multiple Use Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1411-18), or expiration of an additional period, not exceeding 2 years, if the required notice of proposed continuance is given.

(c) The segregative effect of a classification for sale or other disposal will terminate in one of the following ways:

(1) Disposal of the lands;

(2) Publication in the FEDERAL REGISTER of a notice of termination of the classification;

(3) An Act of Congress;

(4) Expiration of 2 years from the date of publication of the proposed classification without disposal of the land and without the notice of proposed continuance as prescribed by the Classification and Multiple Use Act; or

(5) Expiration of an additional period, not exceeding 2 years, if the required notice of proposed continuance is given.

43 CFR Ch. II (10-1-99 Edition)

PART 2470—POSTCLASSIFICATION ACTIONS

Subpart 2470—Opening and Allowance

Sec.

2470.1 Opening of lands to disposal.

2470.2 Allowance and entry.

SOURCE: 35 FR 9565, June 13, 1970, unless otherwise noted.

Subpart 2470—Opening and Allowance

§ 2470.1 Opening of lands to disposal.

After lands have been classified for disposal, the authorized officer shall, at the appropriate time, open the lands to those forms of disposal consistent with the classification.

[35 FR 9565 June 13, 1970]

§ 2470.2 Allowance and entry.

(a) After lands are classified pursuant to the regulations of this part, and opened for entry or other disposal, all the laws and regulations governing the particular kind of entry, location, selection, or other disposal must be complied with in order for title to vest or other interests to pass.

(b) After lands are classified for disposal under the regulations of this subpart, the lands shall be offered for sale or other disposal consistent with the classification. If a petitioner-applicant does not have a preference right under § 2450.8, the lands shall be opened on an equal-opportunity basis.

[35 FR 9565 June 13, 1970]

Group 2500—Disposition; Occupancy and Use

NOTE: The information collection requirements contained in parts 2520, 2530, 2540 and 2560 of Group 2500 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance numbers 1004-0004, 1004-1010, 1004-0011, 1004-0023, 1004-0026, 1004-0028, 1004-0029 and 1004-0069. The information is being collected to permit the authorized officer to determine whether certain petitions or applications for use and occupancy of the public lands should be granted. The information will be used to

Bureau of Land Management, Interior

§ 2520.0-5

make that determination. A response is required to obtain a benefit.

[48 FR 40889, Sept. 12, 1983]

PART 2520—DESERT-LAND ENTRIES

Subpart 2520—Desert-Land Entries: General

Sec.

- 2520.0-1 Purpose.
- 2520.0-3 Authority.
- 2520.0-5 Definitions.
- 2520.0-7 Cross references.
- 2520.0-8 Land subject to disposition.

Subpart 2521—Procedures

- 2521.1 Who may make desert-land entry.
- 2521.2 Petitions and applications.
- 2521.3 Assignment.
- 2521.4 When lands may be sold, taxed, or mortgaged.
- 2521.5 Annual proof.
- 2521.6 Final proof.
- 2521.7 Amendments.
- 2521.8 Contests.
- 2521.9 Relinquishments.

Subpart 2522—Extensions of Time To Make Final Proof

- 2522.1 General acts authorizing extensions of time.
- 2522.2 Procedure on applications for extensions of time, where contest is pending.
- 2522.3 Act of March 28, 1908.
- 2522.4 Act of April 30, 1912.
- 2522.5 Act of February 25, 1925.
- 2522.6 Service fees.

Subpart 2523—Payments

- 2523.1 Collection of purchase money and fees; issuance of final certificate.
- 2523.2 Amounts to be paid.

Subpart 2524—Desert-Land Entries Within a Reclamation Project

- 2524.1 Conditions excusing entrymen from compliance with the desert-land laws.
- 2524.2 Annual proof.
- 2524.3 Time extended to make final proof.
- 2524.4 Beginning of period for compliance with the law.
- 2524.5 Assignment of desert-land entries in whole or in part.
- 2524.6 Desert-land entryman may proceed independently of Government irrigation.
- 2524.7 Disposal of lands in excess of 160 acres.
- 2524.8 Cancellation of entries for non-payment of water-right charges.

Subpart 2520—Desert-Land Entries: General

AUTHORITY: R.S. 2478; 43 U.S.C. 1201.

SOURCE: 35 FR 9581, June 13, 1970, unless otherwise noted.

§ 2520.0-1 Purpose.

(a) It is the purpose of the statutes governing desert-land entries to encourage and promote the reclamation, by irrigation, of the arid and semiarid public lands of the Western States through individual effort and private capital, it being assumed that settlement and occupation will naturally follow when the lands have thus been rendered more productive and habitable.

§ 2520.0-3 Authority.

The Act of March 3, 1877 (19 Stat. 377; 43 U.S.C. 321-323) as amended by the Act of March 3, 1891 (26 Stat. 1096; 43 U.S.C. 231, 323, 325, 327-329), provides for the making of desert-land entries in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

§ 2520.0-5 Definitions.

(a) As used in the desert-land laws and the regulations of this subpart:

(1) *Reclamation* requires conducting water in adequate amounts and quality to the land so as to render it available for distribution when needed for irrigation and cultivation.

(2) *Cultivation* requires the operation, practice, or act of tillage or preparation of land for seed, and keeping the ground in a state favorable for the growth of crops.

(3) *Irrigation* requires the application of water to land for the purpose of growing crops.

(4) *Crop* includes any agricultural product to which the land under consideration is generally adapted and which would return a fair reward for the expense of producing it.

(5) *Water supply*, to be adequate, must be sufficient to irrigate successfully and to reclaim all of the irrigable land embraced in an entry.

(6) *Water right* means the authority, whether by prior ownership, contract,